IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Inagaki et al.** §	
§	Group Art Unit: **2142**
Serial No. **09/651,585** §	
§	Examiner: **Blair, Douglas B.**
Filed: **August 29, 2000** §	
§	
For: **Client Server System and Method** §	
for Executing an Application Utilizing §	
Distributed Objects §	

Commissioner for Patents
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36736
PATENT TRADEMARK OFFICE
CUSTOMER NUMBER

REPLY BRIEF (37 C.F.R. 41.41)

This Reply Brief is submitted in response to the Examiner's Answer mailed on July 26, 2006.

No fees are believed to be required to file a Reply Brief. If any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0461.

RESPONSE TO EXAMINER'S ANSWER

A.   GROUND OF REJECTION 1 (Claims 1-15)

Claims 1-15 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Eytchison (U.S. Patent No. 6,363,434). In the Appeal Brief filed May 8, 2006, Appellants argued that the device proxies **370a-370i** in Eytchison are not the same as the proxy object recited in claim 1 of the present application. Appellants pointed out that the device proxies in Eytchison are software in home server **214** that control physical electronic devices and are not "mirages" of the electronic devices. In the Examiner's Answer, the Examiner responds as follows:

> However, since the device proxies in Eytchinson control the actual software on the physical devices, considered to be distributed objects, they read on the claimed "proxy objects". This assertion is supported by col. 6, lines 40-49 of Eytchinson: "Home server 214 further includes a plurality of software device proxies 370a-370i each for controlling one of the devices of home network 200. For example, software device proxy 370c is for controlling TV 211c, and device proxy 370i is for controlling VCR 212, etc. that are coupled to the IEEE 1394 bus interface 380. In one embodiment of the present invention, the software device proxies 370 may include HAVI Device Control Modules (DCMs) and Functional Control Modules (FCMs)." Since a device proxy can control the functions of the software of a device it is even considered a "mirage" of the electronic device.

Examiner's Answer dated July 26, 2006, pages 6-7.

Appellants respectfully disagree with the Examiner's conclusions. Eytchison does not disclose or suggest "an object pool server connected to said client through said communication network and connected to said application server for pooling a proxy object corresponding to said actual object and for holding actual object management information that is information on said actual object" as recited in claim 1. As pointed out in the Appeal Brief, a proxy object as generally recognized by those skilled in the art and as clearly defined at page 1, line 18 to page 2, line 2 of the specification is as follows:

> In the distributed object programming technique, an object in a remote machine appears in the local machine as if it were a mirage, and the remote object can be freely manipulated by operating on it. The distributed object mirage is called a proxy object (agent object), which is apparently the same as the object on the remote machine (actual

object: remote object), but it exists as an agent rather than a real object, and the first access point for the client is a Web server instead of the actual server.

Simply because Eytchison uses the term "proxy" when referring to control mechanisms **370a-370i**, does not permit the Examiner to construe the mechanisms as being the same as the "proxy object" recited in claim 1 of the present application. The device proxies in Eytchison are not the same as the proxy object recited in claim 1. The device proxies in Eytchison are mechanisms that control the operation of physical electronic devices as is clearly described in Eytchison. Device proxies **370a-370i** in Eytchison serve a different purpose and function in a different manner than the proxy object of the present invention. Eytchison does not teach or suggest "an object pool server connected to said client through said communication network and connected to said application server for pooling a proxy object corresponding to said actual object and for holding actual object management information that is information on said actual object" as recited in claim 1, and does not anticipate claim 1.

The Examiner further states:

> Furthermore, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26USPQ2d 1057 (Fed. Cir. 1993). So the crux of the appellant's arguments, that Eytchinson does not teach 'distributed objects' and 'proxy objects', is based on limitations taken from the specification and therefore not even relevant to validity of the currently applied anticipation rejection.

Examiner's Answer dated July 26, 2006, page 7.

Appellants' respectfully disagree. Appellants are not attempting to read limitations from the specification into the claims. The terms "distributed object" and "proxy object" are positively recited in the claims. Appellants are, instead, simply referring to the specification to avoid any possible confusion with respect to the interpretation of those limitations. The limitations are positively recited in the claims and are certainly relevant to the validity of the claims, and cannot be ignored by the Examiner in rejecting the claims.

For all the above reasons, as well as for the reasons discussed in detail in the Appeal Brief, claims 1-15 are not anticipated by Eytchison, and it is respectfully requested that the Examiner's Final Rejection be reversed.

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